

**MAIDSTONE BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**MINUTES OF THE MEETING HELD ON 14 OCTOBER 2010**

**Present:**                **Councillor Lusty (Chairman) and  
Councillors Barned, Butler, Chittenden, English,  
Harwood, Hinder, Nelson-Gracie, Paine, Paterson,  
Mrs Robertson, J.A. Wilson and Mrs Wilson**

**Also Present:**        **Councillors Horne, D Mortimer and  
Sherreard**

165. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Ash.

166. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Butler was substituting for Councillor Ash.

167. NOTIFICATION OF VISITING MEMBERS

Councillor Horne indicated his wish to speak on the report of the Head of Development Management relating to application MA/10/0943.

Councillor D Mortimer indicated his wish to speak on the report of the Head of Development Management relating to application MA/10/1322.

Councillor Sherreard indicated his wish to speak on the report of the Head of Development Management relating to application MA/10/0791.

168. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

169. URGENT ITEMS

Update Report

The Chairman stated that, in his opinion, the update report of the Head of Development Management should be taken as an urgent item because it contained further information relating to the applications to be considered at the meeting.

170. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Chittenden stated that whilst he had made his feelings known before about the overall noise situation at Pegasus Place, Lodge Road, Boxley, he had not pre-determined application MA/10/1192, and intended to participate when it was discussed.

Councillors Harwood and Hinder disclosed personal interests in the report of the Head of Development Management relating to application MA/10/1192. They stated that they were Members of Boxley Parish Council, but they had not participated in the Parish Council's discussions on the application and intended to speak and vote when it was considered.

171. EXEMPT ITEMS

RESOLVED: That the item on Part II of the agenda be taken in public but the information contained therein should remain private.

172. MINUTES

RESOLVED: That the Minutes of the meeting held on 23 September 2010 be approved as a correct record and signed.

173. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 23 SEPTEMBER 2010

MINUTE 156 - AN APPLICATION FOR LISTED BUILDING CONSENT FOR THE INSTALLATION OF OAK PANEL DOORS - VOLUNTEERS PAVILION, MOTE PARK, MAIDSTONE

In response to a question, the Head of Development Management undertook to update Members on the outcome of the enquiries made at the Centre for Kentish Studies regarding the design of the original doors to the Pavilion.

174. PRESENTATION OF PETITIONS

It was noted that a petition would be referred to in relation to application MA/10/0943.

175. DEFERRED ITEMS

- (1) MA/09/2043 – ERECTION OF A REPLACEMENT DWELLING WITH DOUBLE GARAGE AND CREATION OF A NEW DRIVEWAY (RE-SUBMISSION OF MA/09/1298) – STUBBLE HILL COTTAGE, SANDWAY ROAD, HARRIETSHAM, MAIDSTONE

The Head of Development Management advised Members that he had nothing further to report in respect of this application at present.

- (2) MA/10/0649 – PLANNING APPLICATION FOR THE ERECTION OF 3-4 STOREY DEVELOPMENT TO INCLUDE 11 NO. DWELLINGS (3 STUDIO FLATS, 3 X 1-BED FLATS AND 5 X 3-BED TERRACED DWELLINGS)

AND ASSOCIATED WORKS INCLUDING ACCESS AND PARKING – THE ROSE, 1 FARLEIGH HILL, TOVIL, MAIDSTONE

See Minute 177 below

- (3) MA/10/0791 – AN APPLICATION FOR LISTED BUILDING CONSENT FOR ERECTION OF SINGLE STOREY REAR EXTENSION (RE-SUBMISSION OF MA/09/0726) – 3 RANDALLS ROW, HIGH BANKS, LOOSE, MAIDSTONE

See Minute 182 below

176. APPEAL DECISIONS

The Committee considered the report and the urgent update report of the Head of Development Management setting out details of appeal decisions received since the last meeting. The Head of Development Management advised the Committee that he was questioning the Inspector's decision to allow with conditions the appeal against refusal of application MA/09/2331 as he was concerned that revised plans may have caused some confusion.

RESOLVED: That the report be noted.

177. MA/10/0649 - PLANNING APPLICATION FOR ERECTION OF A 3-STOREY DEVELOPMENT TO PROVIDE 11 RESIDENTIAL UNITS COMPRISING 8 X 2-BEDROOM HOUSES AND 3 X 2-BEDROOM FLATS AND ASSOCIATED WORKS INCLUDING ACCESS AND PARKING - THE ROSE, 1 FARLEIGH HILL, TOVIL, MAIDSTONE

All Members except Councillors Butler and J A Wilson stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Development Management.

RESOLVED:

1. That subject to the prior completion of a legal agreement in such terms as the Head of Legal Services may advise to secure:-
  - Contributions for Kent County Council (Mouchel) as follows:-

£2,497 for library facilities and £1,980 for adult education facilities to be used towards additional provision and enhanced capacity at the new Maidstone Hub Library and Archive/History Centre; and  
£2,789.06 for youth and community facilities to be used to provide a youth worker for the area.
  - Contributions of £7,920 for the West Kent Primary Care Trust towards improvements to the surgeries identified in the report.

- Contributions of £17,325 for Maidstone Borough Council Parks and Leisure towards the provision or improvement of open and green spaces within Tovil Parish/South Ward with priority given to Bridge Mill Way and Woodbridge Drive.

the Head of Development Management be given delegated powers to grant permission subject to the conditions and informatives set out in the report as amended by the urgent update report and the additional informative set out in the urgent update report.

2. That Members' expressed preference for the contribution secured through the legal agreement for improvements to parks and open spaces to be allocated to either or shared between Woodbridge Drive and Bridge Mill Way and their stipulation that consideration be given to the provision of play equipment and trees must be taken into account when decisions are made regarding the use of the monies.

Voting:        13 – For        0 – Against        0 – Abstentions

178. MA/10/1192 - AN APPLICATION FOR VARIATION OF CONDITION 9 OF MA/09/1569 AS APPROVED UNDER MA/10/0285 TO FACILITATE THE REMOVAL OF THE APPROVED ROOF TO THE TRANSFORMER ENCLOSURE ADJACENT TO THE MAIN PLANT ROOM AND THE RAISING OF THE ACOUSTIC SCREEN FROM 6.1M TO 6.245M IN HEIGHT AND ITS CLADDING IN MATERIALS TO MATCH THE MAIN PLANT ROOM - PEGASUS PLACE, LODGE ROAD, BOXLEY, MAIDSTONE

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Development Management.

Mr Lowder, an objector, and Ms Jasper, for the applicant, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informative set out in the report and the following additional informative:-

Additional testing should be undertaken by the applicant prior to the use of the building being fully commissioned in order to confirm that the transformers can meet the boundary noise condition (Condition 5 of MA/09/1569).

Voting:        7 – For        4 – Against        2 – Abstentions

179. MA/10/0960 - APPLICATION FOR CHANGE OF USE FROM A1 (HAIR AND BEAUTY SALON) TO D1 (DAY NURSERY) - WEALDEN SADDLERY, HIGH STREET, STAPLEHURST, TONBRIDGE

The Chairman and Councillors Chittenden, English, Harwood, Paterson, Mrs Robertson and Mrs Wilson stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Development Management.

Mr Sturdy, an objector, Councillor Fairfax of Staplehurst Parish Council (against) and Ms Gedge, for the applicant, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions set out in the report and the additional condition and informative set out in the urgent update report.

Voting: 8 – For 4 – Against 1 – Abstention

180. MA/10/0747 - AMENDMENTS TO LISTED BUILDING CONSENT MA/06/0081 (AN APPLICATION FOR LISTED BUILDING CONSENT FOR THE CONVERSION OF MOTE HOUSE TO AN ASSISTED LIVING CARE HOME (CLASS C2) WITH ASSOCIATED ACCOMMODATION (15 NO. UNITS) AND FACILITIES. CONVERSION OF EXISTING STABLES, LAUNDRY/BREWHOUSE AND KITCHENS TO FORM 14 NO. RESIDENTIAL UNITS; CONVERSION OF EXISTING POTTING SHEDS TO 1 NO. NEW DWELLING; DEMOLITION OF MODERN ANNEXE AND OTHER MODERN BUILDINGS AND ASSOCIATED WORKS) BEING PHASE THREE CLASS C2 ANCILLARY ACCOMMODATION VARIATIONS INCLUDING THE CONVERSION AND EXTENSION OF EXISTING STABLES, LAUNDRY/BREWHOUSE, DAIRY AND OLD KITCHENS TO FORM 15 NO. ACCOMMODATION UNITS. DEMOLITION OF EXISTING SHED AND ANCILLARY BUILDINGS AND REPLACEMENT OF NEW BUILDINGS TO PROVIDE 21 NO. ACCOMMODATION UNITS. CONSTRUCTION OF 14 NEW ACCOMMODATION UNITS ALONG THE EASTERN BOUNDARY OF SITE AND REBUILDING OF CARPENTERS' SHED TO FORM 1 NO. ACCOMMODATION UNIT. CONSTRUCTION OF 1 NO. NEW DETACHED ACCOMMODATION UNIT ADJACENT TO THE CARPENTERS' SHED. THIS REPRESENTING AN ADDITIONAL 14 UNITS OVER AND ABOVE THE EXISTING SCHEME – MAIDSTONE CARE AT HOME SERVICE, MOTE HOUSE, MOTE PARK, MAIDSTONE

All Members stated that they had been lobbied.

The Committee considered the report of the Head of Development Management.

Mr Krauze, for the applicant, addressed the meeting on this application and application MA/10/0748.

RESOLVED: That listed building consent be granted subject to the conditions set out in the report.

Voting: 13 – For 0 – Against 0 – Abstentions

181. MA/10/0748 - AMENDMENTS TO PLANNING PERMISSION MA/06/0082 (CONVERSION OF MOTE HOUSE TO AN ASSISTED LIVING CARE HOME (CLASS C2) WITH ASSOCIATED ACCOMMODATION (15 NO. UNITS) AND FACILITIES; CONVERSION OF EXISTING STABLES,

LAUNDRY/BREWHOUSE AND KITCHENS TO FORM 14 NO. RESIDENTIAL UNITS. DEMOLITION OF MODERN ANNEXE AND OTHER MODERN BUILDINGS AND REPLACEMENT WITH NEW BUILDINGS TO PROVIDE 24 NO. RESIDENTIAL UNITS; CONVERSION OF EXISTING POTTING SHEDS TO 1 NO. RESIDENTIAL UNIT. CONSTRUCTION OF A NEW GATEHOUSE BUILDING TO PROVIDE 10 NO. RESIDENTIAL UNITS; CONSTRUCTION OF 23 NO. NEW RESIDENTIAL UNITS WITHIN THE WALLED GARDEN; ASSOCIATED LANDSCAPING WORKS TO ALL OF THESE AND FORMATION OF A NEW KITCHEN GARDEN WITHIN THE WALLED GARDEN) BEING PHASE THREE CLASS C2 ANCILLARY ACCOMMODATION VARIATIONS INCLUDING THE CONVERSION AND EXTENSION OF EXISTING STABLES, LAUNDRY/BREWHOUSE, DAIRY AND OLD KITCHENS TO FORM 15 NO. ACCOMMODATION UNITS. DEMOLITION OF EXISTING SHED AND ANCILLARY BUILDINGS AND REPLACEMENT OF NEW BUILDINGS TO PROVIDE 21 NO. ACCOMMODATION UNITS. CONSTRUCTION OF 14 NEW ACCOMMODATION UNITS ALONG THE EASTERN BOUNDARY OF SITE AND REBUILDING OF CARPENTERS' SHED TO FORM 1 NO. ACCOMMODATION UNIT. CONSTRUCTION OF 1 NO. NEW DETACHED ACCOMMODATION UNIT ADJACENT TO THE CARPENTERS' SHED. THIS REPRESENTING AN ADDITIONAL 14 UNITS OVER AND ABOVE THE EXISTING SCHEME - MAIDSTONE CARE AT HOME SERVICE, MOTE HOUSE, MOTE PARK, MAIDSTONE

All Members stated that they had been lobbied.

The Committee considered the report of the Head of Development Management.

Mr Krauze, for the applicant, had already addressed the meeting.

RESOLVED: That subject to the prior completion of a legal agreement in such terms as the Head of Legal Services may advise to secure a contribution of £7,056 for the West Kent Primary Care Trust to be used for a premises upgrade/development to support the Shepway Practice at Northumberland Road, the Head of Development Management be given delegated powers to grant permission subject to the conditions set out in the report and the following additional condition and informative:-

#### Additional Condition

The new-build dwelling units hereby permitted shall achieve a BREEAM Multi-residential standard of at least GOOD. No new-build dwelling unit shall be occupied until a final Code Certificate has been issued for it certifying that a standard of GOOD has been achieved.

Reason: To ensure a sustainable and energy efficient form of development in accordance with Kent Design and PPS1.

#### Additional Informative

Provision should be made for the inclusion of bat boxes and swift bricks in the details submitted pursuant to the conditions set out above.

Voting: 13 – For 0 – Against 0 – Abstentions

182. MA/10/0791 - AN APPLICATION FOR LISTED BUILDING CONSENT FOR ERECTION OF SINGLE STOREY REAR EXTENSION (RE-SUBMISSION OF MA/09/0726) - 3 RANDALLS ROW, HIGH BANKS, LOOSE, MAIDSTONE

All Members except Councillor Butler stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Development Management.

Ms George, an objector, Councillor Andrew of Loose Parish Council (against), Mrs Bradley, the applicant, and Councillor Sherreard addressed the meeting.

Contrary to the recommendation of the Head of Development Management, the Committee agreed to refuse permission notwithstanding the advice of the Head of Development Management that he believed the reason to justify refusal would not be sustainable at appeal and that there was a significant risk of costs being awarded against the Council.

RESOLVED: That permission be refused for the following reason:-

The proposed extension by its nature fails to maintain or enhance the listed building and the neighbouring listed buildings, which together constitute a significant grouping within the conservation area. In particular the flat roofline, imposed by the nature of its relationship with the existing extension creates an incongruous visual effect which undermines the quality of the listed buildings and their setting, contrary to the provisions of PPS5.

Voting: 5 – For 3 – Against 5 – Abstentions

DECISION DEFERRED UNTIL THE NEXT MEETING pursuant to paragraph 17 (a) of the Local Code of Conduct for Councillors and Officers Dealing with Planning Matters.

183. MA/10/1322 - SINGLE STOREY SIDE INFILL EXTENSION WITH BAY WINDOW TO REPLACE CAR PORT, SINGLE STOREY REAR EXTENSION, TWO STOREY REAR EXTENSION WITH ACCOMMODATION IN ROOF, ADDITION OF TWO NO. DORMERS AND RAISING OF MAIN RIDGE HEIGHT - 110 LOOSE ROAD, MAIDSTONE

The Committee considered the report of the Head of Development Management.

Mr Clift, an objector, and Councillor D Mortimer addressed the meeting.

RESOLVED: That consideration of this application be deferred to enable the Officers to:-

- Seek to negotiate an outcome that would overcome the neighbouring resident's concerns with regard to the form of fenestration.
- Explore whether a landscape condition or Tree Preservation Order is the best way to protect the planting on the site boundaries.
- Investigate ecological mitigation through bat boxes and swift bricks.

Voting: 13 – For 0 – Against 0 – Abstentions

184. MA/10/0943 - DEMOLITION OF PRE-FABRICATED GARAGES AND ERECTION OF THREE DWELLINGS (ONE SEMI-DETACHED PAIR AND ONE DETACHED) WITH ASSOCIATED GARAGES, PARKING, LANDSCAPING, NEW ENTRANCE AND ACCESS - EAST COURT, THE STREET, DETLING, MAIDSTONE

All Members except Councillor Butler stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Development Management.

Mr Maclaren, an objector, Mr Cooper, for the applicant, and Councillor Horne addressed the meeting.

Contrary to the recommendation of the Head of Development Management, the Committee agreed to refuse permission.

RESOLVED:

1. That permission be refused for the following reason:-

The proposal would result in harm to the character and appearance of the Kent Downs AONB by reason of the inappropriate design, in particular the layout and scale, contrary to the provisions of policy ENV33 of the Maidstone Borough-Wide Local Plan 2000 and central government planning policy and guidance in PPS1 Delivering Sustainable Development and PPS7 Sustainable Development in Rural Areas.

2. That consideration should be given to whether another reason for refusal on the grounds of air quality can be added to the decision.

Voting: 13 – For 0 – Against 0 – Abstentions

185. MA/10/1472 - ERECTION OF A FIRST FLOOR SIDE EXTENSION - 4 YARROW COURT, MAIDSTONE

The Committee considered the report and the urgent update report of the Head of Development Management.



Councillor Waite of Thurnham Parish Council (against) addressed the meeting.

RESOLVED: That permission be granted subject to the conditions set out in the report.

Voting: 12 – For 0 – Against 1 – Abstention

186. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that:-

- A Members' training session on residential extensions would be held at 6.30 p.m. on Monday 18 October 2010.
- A Local Development Document Advisory Group Workshop would be held at 6.30 p.m. on Monday 25 October 2010.

187. UPDATE ON MATTERS REFERRED TO THE CABINET MEMBERS FOR ENVIRONMENT/REGENERATION

It was noted that there was nothing to report at present other than that the Cabinet Member for Regeneration had written to the Secretary of State for Communities and Local Government calling upon the Government to reconsider the facility for retrospective planning applications. The Cabinet Member had sought the support of the local Members of Parliament and the LGA in his representations.

Arising from its consideration of application MA/10/0960, the Committee:-

RESOLVED: That the Cabinet Member for Environment be requested to monitor the parking situation in the High Street, Staplehurst following implementation of application MA/10/0960.

188. DURATION OF MEETING

6.00 p.m. to 10.10 p.m.